

5103



August 12, 2002

Mr. Kamau Philbert
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dear Mr. Philbert:

In reference to MUR 5103, please find an additional newspaper article that may be relevant to your review of this case.

In our previous correspondence with you, we were able to associate Acacia National Mortgage with the malicious spamming practices against Susan Bitter Smith in her campaign for Congress. This includes fraudulent phone messages and also defamatory faxes sent out to voters in the Phoenix area.

Again, thank you for your time and effort in reviewing this case. If you have any questions, please call me at (602) 957-3434.

Sincerely,

Jasen C. Hutchinson
Friends of Susan Bitter Smith
5806 E. Lewis Ave.
Scottsdale, AZ 85257
(602) 957-3434

Enclosure

State of Arizona	
County of <u>Maricopa</u>	
Subscribed and sworn (or affirmed) before me this <u>12th</u> day of <u>August</u> , 2002	
	<u>Karen L. Crotty</u> Notary Public
My commission expires _____	

Omission in campaign's phone calls sparks probe

GOP candidate for secretary of state left out 'paid for by'

BY LE TEMPLAR
TRIBUNE

A Republican seeking to become the state's highest election official finds himself under investigation for allegations that he violated campaign finance laws.

Sal DiCicco admitted that two recorded telephone calls placed by his campaign for secretary of state earlier this month didn't include the phrase "paid for by" as required by state law. But DiCicco said the omission was a simple error that he corrected by follow-up phone calls from his computer bank that explained who funded the original messages.

"There was no question as to who made the phone calls," said DiCicco, a former Phoenix city councilman. "I made the phone calls. Within two hours of hearing from them (the state elections office), I remedied the situation."

Still, a Tempe resident who

received the original phone calls and lodged the complaint against DiCicco is pressing state officials to levy fines. Former state Sen. Gary Richardson said DiCicco can make no excuses considering the office he is seeking.

"I am appalled that Mr. DiCicco would knowingly and recklessly violate our election laws during this campaign," Richardson said in a letter to the state attorney general's office. "These are the same laws he would be asked to enforce if elected as secretary of state."

Richardson's complaint has overtones of an increasingly vicious battle between DiCicco and fellow Republican candidate Jan Brewer. Richardson is an ally of Brewer, a former Maricopa County supervisor, and her son Michael delivered the original complaint to the state elections office.

"It's distracting from the

issues in this race," DiCicco said. "I don't use a third person to do my dirty work."

Brewer said DiCicco shouldn't try to drag her into his legal problems.

"This is an issue between the secretary of state's office, the attorney general's office and Mr. DiCicco," Brewer said. "And they're handling it in the appropriate manner, I hope."

State elections director Jessica Funkhauser has issued an order of "reasonable cause" that a violation occurred, and referred the complaint to the attorney general. A spokesman for that office confirmed an investigation is under way.

DiCicco could be fined up to three times what it cost to place the estimated 15,000 to 20,000 phone calls. DiCicco said that would amount to about \$450.

The third Republican running for secretary of state is Sharon Collins, an aide for Gov. Jane Hull based in Tucson. The winner of the Sept. 10 primary will win a spot on the November ballot.